

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VOITH PAPER GMBH & CO. KG, )  
a Company organized and )  
existing under the laws of Germany, )  
Plaintiff, ) C.A. No. 07-0226-JJF  
v. )  
JOHNSONFOILS, INC. )  
a Delaware Corporation, )  
Defendant. )

**RULE 16(b) SCHEDULING ORDER**

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and as discussed at the scheduling conference on August 1, 2007,

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by September 21, 2007, the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before December 21, 2007.
3. **Discovery.**
  - (a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by February 15, 2008.
  - (b) Maximum of 25 interrogatories, including contention interrogatories, for each side.

- (c) Maximum of 50 requests for admission by each side.
  - (d) Maximum of 10 depositions by plaintiff and 10 by defendant, excluding expert depositions. Depositions shall not commence until the discovery required by Paragraph 3 (a, b and c) is completed.
  - (e) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) shall be served from the party with the burden of proof on May 21, 2008, rebuttal expert reports shall be served on June 18, 2008.
  - (f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.
  - (g) Fact discovery shall close on April 30, 2008.
  - (h) Expert discovery shall close on July 18, 2008.
4. **Non-Case Dispositive Motions.**
- (a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The date selected shall be within 30 days of the filing of the motion and allow or briefing in accordance with the Federal and Local Rules. Available motion dates will be posted on the Court's website at:  
[www.ded.uscourts.gov](http://www.ded.uscourts.gov).
  - (b) At the motion hearing, each side will be allocated twenty (20) minutes to argue and respond to questions from the Court.
  - (c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov)

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before December 21, 2007.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before August 20, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be held on January 30, 2008, at 10:00 a.m. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties on the hearing date.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's December 15, 2006 Order on Procedures for Filing Non-dispositive motions in Patent Cases. Parties may file stipulated and unopposed Orders with the clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

- (c) No telephone calls shall be made to Chambers.
- (d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jif\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** A Pretrial Conference will be held on October 16, 2008 at 12:00 p.m. Trial shall commence on November 5, 2008.

August 3, 2007

Date

Jesse D. Demeo  
UNITED STATES DISTRICT JUDGE